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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

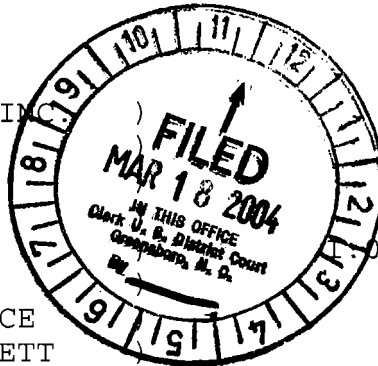
JOHN S. CLARK COMPANY, INC.

Plaintiff,

v.

UNITED NATIONAL INSURANCE
COMPANY; GALLAGHER BASSETT
SERVICES, INC.; and THE
TRAVELERS INDEMNITY COMPANY,

Defendants.



02CV00576

ORDER and JUDGMENT

BULLOCK, District Judge

For the reasons stated on the record in open court on March 16, 2004,

IT IS ORDERED that Plaintiff's motion [Doc. # 93] to reconsider and amend or rescind, or in the alternative, amend the order and judgment dated January 5, 2004 and enter a stay of proceedings to allow for immediate appeal pursuant to 28 U.S.C. § 1292(b) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's motion [Doc. # 81] for summary judgment against Defendant United National Insurance Company is **DENIED**.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant United National Insurance Company's motion [Doc. # 79] for summary judgment is **GRANTED** as to Plaintiff's claim for negligence against Defendant United National Insurance Company. Defendant United National Insurance Company's motion [Doc. # 79] for summary judgment is **DENIED** as to Plaintiff's claims for breach of contract, bad faith, and unfair and deceptive trade practices in violation of N.C. Gen. Stat. § 75-1.1 et seq. against Defendant United National Insurance Company.

IT IS FURTHER ORDERED that Defendant United National Insurance Company's objections [Doc. # 98] to affidavit of Steven Nash are **DENIED** as moot.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant Gallagher Bassett Services, Inc.'s motion [Doc. # 77] for summary judgment is **GRANTED** as to Plaintiff's claim for negligence against Defendant Gallagher Bassett Services, Inc. Defendant Gallagher Bassett Services, Inc.'s motion [Doc. # 77] for summary judgment is **DENIED** as to Plaintiff's claims for breach of contract, bad faith, and unfair and deceptive trade practices in violation of N.C. Gen. Stat. § 75-1.1 et seq against Defendant Gallagher Bassett Services, Inc.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant The Travelers Indemnity Company's motion [Doc. # 74] for summary

judgment is **GRANTED**, and this action is **DISMISSED** with prejudice as to Defendant The Travelers Indemnity Company.

IT IS FURTHER ORDERED that Defendant The Travelers Indemnity Company's objections [Doc. # 96] to affidavit of Steve Nash are **DENIED** as moot.

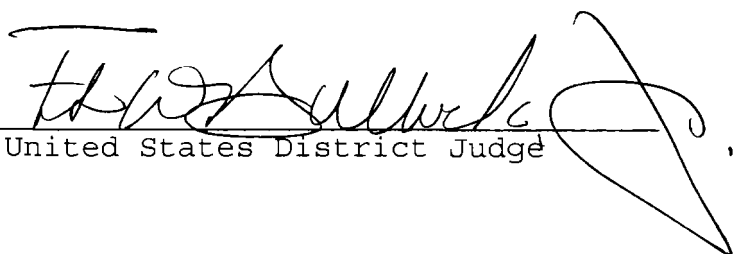
IT IS FURTHER ORDERED that Plaintiff's motion [Doc. # 87] for extension of time to respond to Defendant The Travelers Indemnity Company's motion for summary judgment is **DENIED** as moot.

IT IS FURTHER ORDERED that Defendant The Travelers Indemnity Company's motion [Doc. # 100] to strike Plaintiff's opposition to Defendant The Travelers Indemnity Company's motion for summary judgment or in the alternative respond to Plaintiff's opposition is **DENIED** as moot.

IT IS FURTHER ORDERED that Plaintiff's motion [Doc. # 108] to strike Travelers' motion to strike filed February 9, 2004, is **DENIED** as moot.

IT IS FURTHER ORDERED that Defendant United National Insurance Company's motion [Doc. # 103] for leave to amend to file an amended counterclaim is **DENIED**.

March 18, 2004


United States District Judge